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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/082,183

02/26/2002

Shingo Ishihara

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EXAMINER

MACCHIAROLO, PETER J

ART UNIT

PAPER NUMBER

2879

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/082,183	Applicant(s) ISHIHARA ET AL.	
	Examiner Peter J. Macchiarolo	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58,59 and 64 is/are rejected.
- 7) ☒ Claim(s) 60-63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application on 01/10/2007. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2006 has been entered. However, pending claims 58-64 are not allowable as explained below. An action on the RCE follows.

Claim Objections

Claim 64 is objected to because of the following informalities:

Claim 64 recites, "the opposite substrate," however there is not proper antecedent basis for this limitation. For the purpose of examination, the Examiner reads, "the counter substrate." Appropriate correction is required.

Specification

The abstract of the disclosure is objected to because it does not contain the proper content. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be

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directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --ORGANIC EL DISPLAY HAVING AUXILIARY ELECTRODES FORMED ADJACENT LIGHT EXTRACTION LAYER--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 58 is rejected under 35 U.S.C. 102(e) as being anticipated by Kawashima (USPN 6621213: “Kawashima”).

Regarding claim 58, Kawashima discloses at least in figures 8, 9, and 16 an organic light-emitting display comprising: an organic EL substrate (fig. 9; 15) having a first electrode (11) formed on the organic EL substrate (15); an organic layer (7) formed on the first electrode (11); a second electrode (5) formed on the organic layer (7); and a plurality of pixels (best seen in figure 8); a counter substrate (3) formed adjacent the organic EL substrate (15); and an light extraction layer (2, see also col. 5; ll. 2-7) formed between the organic EL substrate (15) and the counter substrate (3); wherein each of the plurality of pixels includes a plurality of sub-pixels (pixel shown in fig. 9) and is disposed such that an auxiliary electrode (10) is disposed in a part of one of the sub-pixels, wherein the auxiliary electrode (10) is formed on a same level (9) as the first electrode (11) and is connected to a current supply line (4) within a drive layer (layer corresponding to 4) via a contact hole (best seen at fig. 16; 6a) in an inter-layer insulating layer (6) formed over the drive layer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima in view of previously cited Eida at al (USPGPUB 20010050532: "Eida").

Regarding claim 59, Kawashima is silent to the plurality of sub-pixels comprise a red, green and blue organic light emitting layer.

However, the Examiner takes official notice that this is a well-known configuration to allow for a full-color EL display.

Furthermore, Eida teaches at least in paragraph 90 that any wavelength of light may be utilized in such an organic EL light emitting layer to suit particular market demands.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Kawashima with the plurality of sub-pixels comprise a red, green and blue organic light emitting layer to allow for a full-color EL display.

Regarding claim 64, Kawashima is silent to using a color filter.

However, Eida shows in figure 4 that color filters (11) are disposed between the organic EL substrate (1) and the counter substrate. Eida further teaches at least in paragraph 199 this configuration further improves the color adjustment and contrast of each pixel.

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Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Eida with the color filters of Eida to improves the color adjustment and contrast.

Allowable Subject Matter

Claims 60-63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 60, the prior art fails to motivate or disclose a rib for controlling a thickness of the light extraction layer, in combination with the remaining limitations of the claim. The Examiner notes the limitation, “for controlling a thickness of the light extraction layer,” is not considered an intended use type limitation, since it directly results in a structural difference between the claimed invention and the prior art. Claims 61-63 would be allowable due to their dependency.

Response to Arguments

Applicant's arguments filed 12/11/2006 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record to show the current state of the art:

USPN 7084565 to Cho


USPN 6528824 to Yamagata

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

By 
Peter Macchiarolo
Patent Examiner, Art Unit 2879
(571) 272-2375